

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/09687

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/00 A61K35/78 A23K1/16 A23L1/30 A61K31/375  
A61K31/355

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K A23K A23L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, EMBASE, FSTA, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages                     | Relevant to claim No. |
|------------|--|-----------------------|
| X          | EP 0 845 266 A (MK PRODUKTKONTOR GMBH)<br>3 June 1998 (1998-06-03)<br>claims 1-12                      | 1-8, 10               |
| X          | US 5 656 588 A (ZALOGA GARY P ET AL)<br>12 August 1997 (1997-08-12)<br>claims 1-13; example 1; table 2 | 1-8, 10               |
| X          | FR 2 818 136 A (OREAL)<br>21 June 2002 (2002-06-21)<br>claims 1, 4, 10, 11                             | 1-11                  |
| X          | US 2001/043983 A1 (HAMILTON NATHAN D)<br>22 November 2001 (2001-11-22)<br>page 4; claims 1-15          | 1-11                  |
|            | ---<br>-/--  |                       |

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

27 November 2003

Date of mailing of the international search report

17/12/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

ESTANOL, I

## INTERNATIONAL SEARCH REPORT

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
|------------|--|-----------------------|
| X          | WO 02 11745 A (KIM MIN YOUNG ; ANGIOLAB INC (KR); MOON CHANG HEE (KR); PARK EUN KY)<br>14 February 2002 (2002-02-14)<br>page 6; claims 6,7<br>---  | 1-11                  |
| X          | WO 98 00024 A (VIVA AMERICA MARKETING INC)<br>8 January 1998 (1998-01-08)<br>claims 4,20<br>---  | 1,3-7                 |
| A          | FREI V ET AL: "ACTIVATION OF FIBROBLAST METABOLISM IN A DERMAL AND SKIN EQUIVALENT MODEL: A SCREENING TEST FOR ACTIVITY OF PEPTIDES"<br>INTERNATIONAL JOURNAL OF COSMETIC SCIENCE, BLACKWELL SCIENTIFIC PUBLICATIONS, OXFORD, GB,<br>vol. 20, no. 3, June 1998 (1998-06), pages 159-173, XP001128165<br>ISSN: 0142-5463<br>the whole document<br>----- | 1-11                  |

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## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: —  
because they relate to subject matter not required to be searched by this Authority, namely:  
Rule 39.1(iv) PCT – Method for treatment of the human or animal body by therapy
2. ☒ Claims Nos.: —  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Present claims 1-11 relate to an extremely large number of possible compounds. In fact, the claims contain so many options that a lack of clarity and/or conciseness within the meaning of Article 6 PCT arises to such an extent as to render a meaningful search of the claims impossible.

Furhtermore, the subject-matter of present claims 1, 4-11 is defined by means of the following functional features:

- a molecule that stimulates energy metabolism
- an antioxydant

Because of the character of the functional features, it cannot be guaranteed that the performed search is complete. It cannot be excluded that compounds fulfilling the requirements of the functional features have not been identified as doing so in the prior art. If such compounds have not been identified in the application either, they have not been covered by the search.

Consequently, the search has been carried out for those parts of the application which do appear to be clear and concise, namely those compounds recited in the examples and closely related homologous compounds.

It is further pointed out that the substantive examination can only be carried out to the same extend as the search.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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| Patent document<br>cited in search report |    | Publication<br>date |    | Patent family<br>member(s) | Publication<br>date |
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| EP 0845266                                | A  | 03-06-1998          | DE | 19649891 A1                | 04-06-1998          |
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| WO 9800024                                | A  | 08-01-1998          | AU | 3582597 A                  | 21-01-1998          |
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|   |    |                     | WO | 9800024 A1                 | 08-01-1998          |
|   |    |                     | WO | 9800026 A1                 | 08-01-1998          |
|   |    |                     | US | 6270774 B1                 | 07-08-2001          |
|   |    |                     | US | 5976548 A                  | 02-11-1999          |